



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3017377
Applicant Name: Dante Palmaffy
Address of Proposal: 5217 21st Avenue SW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a single family dwelling unit in an environmentally critical area. Parking for two vehicles will be located in attached garage.

The following approval is required:

ECA Variances – To allow disturbance within a steep slope area, steep slope buffer, and a reduced front yard setback. (SMC 25.09.180.E)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity

The site located at 5217 21st Avenue SW comprises 11,050 sq. ft. Other lots on the west side of the street are topographically similar to the subject property sloping downward from 21st Avenue. The site is located within a pocket of properties zoned Single Family (SF 5000). Most homes on the west side of 21st Avenue SW are sited in a similar fashion to the applicant's proposal with residences located near the street and front loaded parking. Residences are typically one-story ranch style structures oriented in a north/south configuration.

Description of Proposal

The applicant requests approval to build a 3,352 sq. ft. single-family residence with an attached garage within the steep slope Buffer and steep slope Environmentally Critical Areas (ECA). A reduction of the front setback is requested to limit grading within the ECA and preserve exceptional trees. Using setback averaging, the applicant is allowed a front setback of 14.8 feet. The Director can grant a 25% exception to reduce intrusion into ECA buffers per SMC 25.09.280. This would allow a 11.1 foot setback. The applicant is requesting a further reduction down to 10 feet to preserve exceptional trees. The proposed home will follow the topography of the lot and presents as a two-story home at the street and contains a daylight basement facing the west as the hillside descends.

The applicant also submitted a building permit, 6411375, with the ECA variance application.

Public Comment

The public comment period ended on June 11, 2014 and one comment was received. Issues identified include: status of the owner and unregulated fill placed on the property.

Environmentally Critical Areas Regulations

General requirements and standards are described in Section 25.09.060 of the ECA ordinance (SMC Chapter 25.09). SMC Section 25.09.180 provides specific standards for all development on steep slopes and steep slope buffers on existing lots, including the general requirement that development shall be avoided in these areas whenever possible. Trees and vegetation standards are found at SMC 25.09.320.

ANALYSIS - VARIANCE

The applicant has requested variances from three requirements of the environmentally critical areas ordinance: ECA Variance for a reduced front yard, ECA Variance to disturb a steep slope buffer, and ECA Variance to disturb a steep slope.

SMC 25.09.180.E. Steep Slope Area Variance.

- 1. The Director may reduce the steep slope area buffer and may authorize limited intrusion into the steep slope area and steep slope buffer to the extent allowed in subsection E2 only when the applicant qualifies for a variance by demonstrating that:***
 - a. the lot where the steep slope or steep slope buffer is located was in existence before October 31, 1992; and***

The application includes King County property records from April of 1971 showing the lot in its current configuration.

- b. the proposed development otherwise meets the criteria for granting a variance under Section 25.09.280B, except that reducing the front or rear yard or setbacks will not both mitigate the hardship and maintain the full steep slope area buffer.***

The applicant is seeking a 10 feet front setback where 14.8 feet is required. The illustration later in the report demonstrates the difficulties in developing a code compliant site. Even with relief from the front setback any proposed structure would be within both the buffer and the steep slope area. The application complies with the ECA Variance criteria as demonstrated on page 4 of the report.

- 2. If any buffer reduction or development in the critical area is authorized by a variance under subsection E1, it shall be the minimum to afford relief from the hardship and shall be in the following sequence of priority:***

- a. reduce the yards and setbacks, to the extent reducing the yards or setbacks is not injurious to safety;***

The front setback has been reduced to 10 feet. There is still room between the street property line and the edge of pavement for vehicle back-up space. This will enable drivers to have sight lines down the street.

- b. reduce the steep slope area buffer;***

Reducing the steep slope buffer to zero still does not allow for construction of a home outside of setbacks as there are no buildable portions of the lot that meet both building setbacks and steep slope buffers.

- c. allow an intrusion into not more than thirty percent (30%) of the steep slope area.***

The area of steep slope disturbance on the site plan of approximately 23.7% is less than 30%.

- 3. The Director may impose additional conditions on the location and other features of the proposed development as necessary to carry out the purpose of this chapter and mitigate the reduction or loss of the yard, setback, or steep slope area or buffer.***

The front setback reduction is not out of character with the neighborhood. Grading is minimized by the home's proposed orientation, depth and cantilevering of part of the second and third story. The applicant is not proposing any extensive retaining walls that would create artificial flat expanses for recreation areas. The proposed residence is designed to be minimally intrusive into the ECA and buffer, with a total steep slope ECA disturbance of 23.7%. Disturbed areas will be required to be re-vegetated with native vegetation as an ECA code requirement. A landscape plan will be required prior to issuance of the MUP. A non-disturbance area covenant is required by the ECA code and will be required for all areas not included in the 23.7% disturbance area.

Conditions requiring a landscape plan for revegetation and a non-disturbance covenant insure site integrity after the home has been constructed. Grading and drainage have

been reviewed and approved with the associated building permit, 6411375. No additional mitigation or conditions are warranted.

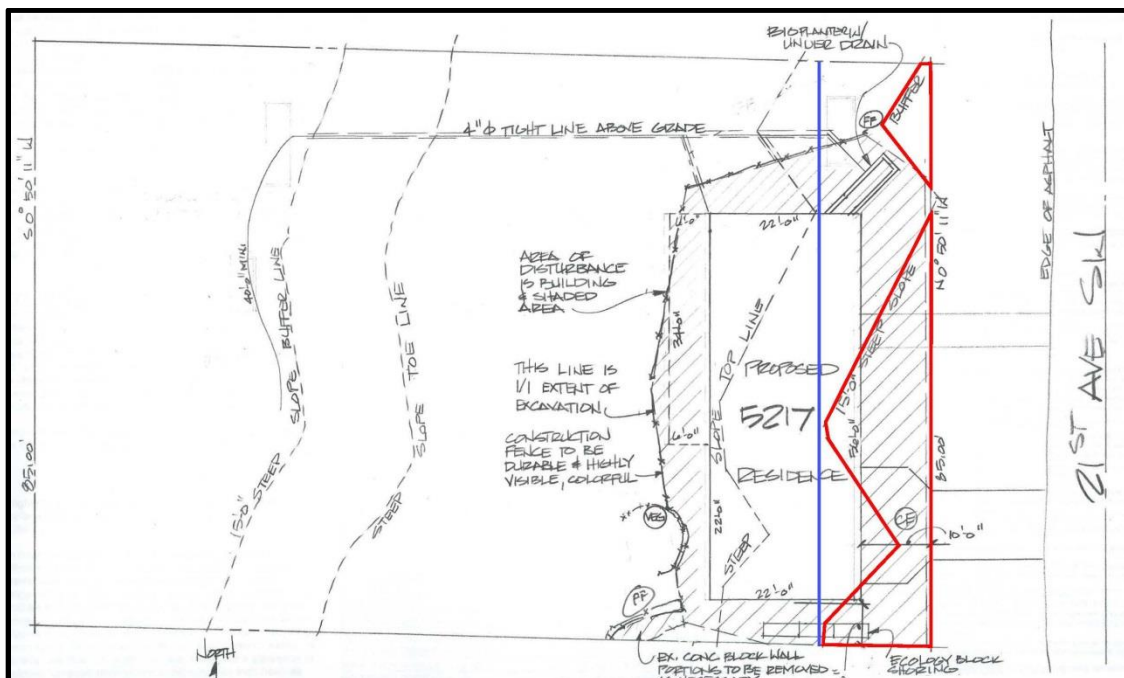
SMC 25.09.280.B. Yard and setback reduction and variance to preserve ECA buffers and riparian corridor management areas. The Director may approve a yard or setback reduction greater than five feet (5') in order to maintain the full width of the riparian management area, wetland buffer or steep-slope area buffer through an environmentally critical areas yard or setback reduction variance when the following facts and conditions exist:

1. ***The lot has been in existence as a legal building site prior to October 31, 1992.***

The application includes King County property records from April 1971 showing the lot in its current configuration.

2. ***Because of the location of the subject property in or abutting an environmentally critical area or areas and the size and extent of any required environmentally critical areas buffer, the strict application of the applicable yard or setback requirements of [Title 23](#) would cause unnecessary hardship; and***

When steep slope buffers and setbacks are applied to the subject property, the only buildable area is at the west end of the lot where there is no vehicular access except through the steep slope area. The only portion of the site not within the steep slope buffer is the area outlined in red below. The site area complying with the ECA ordinance is irregularly shaped, doesn't meet setbacks, or is located at the west end of the lot away from the street. When the required front yard (outlined in blue) is taken out of the proposed buildable area there is no usable footprint for a compliant home due to the presence of the steep slope and steep slope buffer which further limits development unless variance relief is approved.



These conditions demonstrate some relief should be granted from the steep slope critical area buffer and the front yard requirements of Title 23.

3. ***The requested variance does not go beyond the minimum to stay out of the full width of the riparian management area or required buffer and to afford relief; and***

This criterion is not applicable as there is no riparian management area or required buffer on-site.

4. ***The granting of the variance will not be injurious to safety or to the property or improvements in the zone or vicinity in which the property is located; and***

The building permit application review is complete and is only awaiting approval of the ECA variance. Drainage and structural reviews have been approved as well. The front setback is proposed to be reduced to 10 feet. Even with this reduction, there is still additional room between the applicant's front property line and edge of pavement for 21st Avenue for vehicle back-up space and sight distance. These conditions indicate the variances will not be injurious to safety or to property improvements in the zone.

5. ***The yard or setback reduction will not result in a development that is materially detrimental to the character, design and streetscape of the surrounding neighborhood, considering such factors as height, bulk, scale, yards, pedestrian environment, and amount of vegetation remaining; and***

The requested variances won't lead to a home that is out of character with the neighborhood with respect to height, bulk, scale, yards, pedestrian environment, and the amount of remaining vegetation. Properties on the west side of 21st Avenue SW within the vicinity of the subject property are topographically similar. Homes are generally located close to the street and oriented in a north/south fashion similar to the applicant's proposed design. There is no alley, so parking is front loaded and is a combination of garage, carport and surface parking beside or in front of the homes. If granted, the variance would result in a home with similar orientation, site location, and parking configuration to the rest of 21 Avenue's west side. While most homes are one story in height as they meet the street, the applicant is proposing a two-story home at the street that follows the slope of the hill and creates a three story west elevation.

6. ***The requested variance would be consistent with the spirit and purpose of the environmentally critical policies and regulations.***

The intent of the ordinance is to promote the health, safety, and welfare of the general public through protecting critical ecologic features. The proposal is for a single-family residence on a site with no code conforming area available for construction. A variance would be required for any use of the property. If approved, the applicant will

then finalize the building permit application review and required responses. Engineering and site drainage have been reviewed to insure safety and ecological integrity are preserved.

ECA CODE REQUIREMENTS:

- The owner and/or responsible party shall provide a signed and notarized ECA Covenant to the Land Use Planner for recording. Addendum A of the covenant shall include a site plan with hatching to indicate the area identified as the non-disturbance area by the survey and install the permanent visible ECA markers established at the edge of the non-disturbance area ECA (in accordance with instructions contained in Director's Rule 4-2007).
- A tree and revegetation landscape plan prepared by a landscape professional to include mitigation for proposed vegetation removal, consistent with SMC 25.09180.D and 25.09.320.B must be reviewed and approved prior to issuance of the MUP. This revegetation landscape plan will be integrated into building permit 6411375.

DECISION – STEEPSLOPE VARIANCE:

GRANTED

Josh Johnson, Land Use Planner
Department of Planning and Development

Date: November 5, 2015

JJ:bg

Johnson/3017377-VAR 5217 21st Ave SW.docx

IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.